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2500.00.00      RESERVED

2505.00.00      RESERVED (F)

2510.00.00      RESERVED (F)

2515.00.00      ABLE BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)  
WORK REQ. (F)

Any Able Bodied Adult Without Dependents (ABAWD) who is between the ages of 18 and 50 (those age 18 up to and including age 49) cannot receive food stamps for more than 3 months out of 36 months (rolling clock) without complying with work requirements. When an individual has received 3 months of benefits without complying and non-compliance is expected to continue, he will be determined ineligible.(f1) His income, resources and expenses will continue to be included in the Food Stamp budget if others are in the AG.

An individual may regain eligibility under certain circumstances.

ABAWD status is coded on ICES screen AEABA. The status is determined at initial application, redetermination or when an individual is added to the case.

Any ABAWD countable months that were used out of state must be verified by the worker and entered on AEABA.

When Food Stamp benefit is prorated, that month is not counted (coded as "P" on AEABA) as 1 of the 3 non-compliant months. Whenever an ABAWD has collected 3 "M's" or more on AEABA, code "P" cannot be used again.

Additionally, if the individual does not receive Food Stamps in a month, that month is not counted (coded as "N" on AEABA) in the 3 month compliance determination. This

includes months where the individual was sanctioned but continues to be a household member. This also includes an ABAWD who was coded as "M" on AEABA but did not participate in that month. The worker would check IQES/IQEL and IQFS to determine this status.

Additionally, Food Stamp benefits erroneously received by an ABAWD shall be counted unless or until the ABAWD pays it back in full.

#### **2515.05.00        ABAWD EXEMPTIONS (F)**

An individual between the ages 18-50 is exempt from ABAWD work requirements(f2) if he is:

Exempt from work registration requirement. (See Manual Section 2438.15.05.); or

Physically or mentally unfit for employment. If the unfitness is not obvious, it must be verified by one of the following: physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the local office worker determines appropriate to state the client is physically or mentally unfit for employment/work due to the specific illness, and for what length of time the individual is expected to be unable to work; or

Living in the same FS AG that contains a dependent child age 17 or younger

If an adult lives in the same residence, but not the same FS AG that contains a dependent child age 17 or younger, that adult will be considered an ABAWD. However, the adult will be exempt from the ABAWD work requirement and this should be reflected with code 'A' on AEABA for as long as the adult resides in the residence where the dependent child age 17 or younger resides.

Lives in a county or city (listed below) which has been approved as a waived labor surplus area by Food and Consumer Service (FCS) and accepted by the Division of Family and Children (DFC);

COUNTIES

Blackford  
Crawford  
Greene  
Fayette  
Lawrence  
Orange  
Pulaski  
Randolph  
Starke  
Sullivan  
Switzerland  
Vermillion

#### CITIES

East Chicago  
Gary  
Marion  
Michigan City  
Terre Haute

The individual must reside within the city limits  
to be exempt for living in a labor surplus city;

Pregnant (any trimester).

If an individual is or was correctly projected to be exempt  
for any portion of a month, the exemption covers the entire  
month.

#### **2515.05.05      ABAWD 15% Exemption Waiver (F)**

Two exemptions from the able-bodied work provision were  
available for Able-Bodied Adults Without Dependents (ABAWDS)  
for actions authorized on or after April 1, 2000

The first exemption will be given in situations where an  
ABAWD is not in compliance with the ABAWD provision. An  
additional 3 months of eligibility will be given to ABAWDS  
and this will be denoted by using code 'Z' on screen AEABA  
Therefore, an ABAWD will be able to receive 6 months of FS  
in a noncompliant status during the last 36 months. This  
code should be used on screen AEABA for the following  
reasons:

ABAWDS who are currently on assistance and are ready to

start their 4<sup>th</sup> month of noncompliance with the ABAWD work requirement; or

ABAWDS who have received 3 months of Food Stamps in the past 36 months while being noncompliant with the ABAWD work requirement and they are reapplying for Food Stamps; or

ABAWDS who have already been disqualified from an open Food Stamp assistance group for noncompliance with the ABAWD work requirement.

Code 'Z' will be used for up to 3 months rather than failing the ABAWD for noncompliance for actions (applications, redeterminations and changes) authorized on or after 4/1/00 and later. This is true for an ABAWD who is currently on Food Stamps as well as any ABAWD who is applying for Food Stamps. Workers need to be aware that a previously disqualified ABAWD is now eligible for this additional 3 months of eligibility

Alert 884 has been modified to be received after the 4<sup>th</sup> 'Z' displays on AEABA after pulldown. When the worker receives alert 884 the first time for the 4th 'M', the worker will then start using code 'Z' rather than disqualifying the ABAWD for being noncompliant with the ABAWD work requirement. The second time alert 884 is received for the 4th 'Z', the worker will then use code 'F' and disqualify the ABAWD for being noncompliant with the ABAWD work requirement when a disqualification is the appropriate action.

The code 'Z' will never be used for a retroactive month. Code 'Z' also should not be confused with code 'X' which is the one time, 3 consecutive month extension after an ABAWD comes into compliance to receive this extension. Code 'Z' doesn't have to be coded for 3 consecutive months.

If the ABAWD has 4 or more 'M' codes, the ABAWD is still eligible to receive an additional 3 months of code 'Z'.

Example:

The worker has discovered that an ABAWD really had 6 months of code 'M' rather than just 2. The worker is doing a change on 4/10/00 for 5/1/00 and has AEABA coded with an 'M' for the months of 4/00 and 5/00. The worker discovers that the ABAWD has been noncompliant since 12/99 which would be for the last 6 months. The worker would still give this ABAWD an additional 3 months of eligibility by using code 'Z' and change May's 'M' to a 'Z'. The worker would then pursue doing a claim for the past overpayment for the months of 3/00 and 4/00 (additional eligibility isn't effective until 5/00 for this case) since the ABAWD already had 3 months of code 'M' for 12/99, 1/00 and 2/00.

When the AG notifies the worker of the presence of a disqualified ABAWD in the home, this must be processed as a change. Single person AGs are considered reapplications.

When an ABAWD has 3 'Ms' or more and is applying, the ABAWD is to be given an additional 3 months of eligibility by using code 'Z'. Please be reminded that code 'P' is never appropriate for a prorated month if the ABAWD has 3 'Ms' or more. Additionally, if the ABAWD would be eligible for the one time, 3 month extension because the ABAWD had met this requirement sometime in the past, code 'X' would be used for the first 3 months and then code 'Z' (if the ABAWD was still noncompliant) would be used for the next 3 months before the ABAWD could be disqualified for noncompliance with the ABAWD work requirement.

Example:

An ABAWD had been disqualified for ABAWD noncompliance effective for 4/97, obtained a job for 6/97 and worked 3 months and worked 100 hours for each month. The ABAWD now applies on 4/3/00. The ABAWD is eligible for the one time, 3 month extension since the ABAWD worked 80 hours in a 30 day period (this would have to be verified by the worker). Code 4/00 and 5/00 as 'X' since this person can now receive the one time, 3 consecutive month extension. Code 'P' would not be appropriate since the client had used 3 'Ms' or more. If the ABAWD wasn't compliant (alert 884 would remind the worker after the 6/00 pulldown of the 4th 'X' that was on AEABA for 7/00) by 7/00, the worker would then code the AEABA with code 'Z' since the ABAWD is now eligible for the additional 3 months of eligibility. If the ABAWD was still noncompliant after receiving 3 months of code 'Z', the ABAWD would then be disqualified for ABAWD noncompliance by using code 'F'. Alert 884 would be generated after pulldown for 9/00 to inform the worker that the fourth 'Z' was displaying on AEABA for 10/00 and the ABAWD would fail for noncompliance unless compliance could be projected.

The second exemption (Code A) allows an unlimited number of months of eligibility in situations where the ABAWD is cooperating with the IMPACT Self Sufficiency Plan but is participating less than 20 hours a week in countable activities or scheduled CWEP hours.

Code 'A' should be data entered on screen AEABA for this exemption and for the following reasons:

Family Case Coordinators (FCC) must always assist ABAWDS to meet the work requirement by scheduling 20 or more hours a week of activities countable for ABAWDS or by scheduling CWEP. (CWEP formula to determine hours of participation is the FS AG allotment divided by the minimum wage.)

If activities are not available or appropriate to assist them in meeting the ABAWD work requirement, the FCC supervisor may approve a Self Sufficiency Plan (SSP) that is not in compliance with the previous paragraph. In this instance, if the client is complying with the SSP or the FCC

determines the client has good cause, the ABAWD may receive an unlimited number of months of eligibility. (Use code 'A'). An example of this provision is a client who is attending the 8 hours a week of ESL (English as a Second Language) on his SSP and other available activities were inappropriate due to the client's language barrier.

If the ABAWD has been assigned 20 hours a week or CWEP, but has provided good cause to the FCC for participating less than the scheduled hours, the ABAWD may receive an unlimited number of months of eligibility.

**Example:**

An ABAWD has been scheduled for 20 hours a week and misses 5 hours in May 2000 for illness. If the FCC determined that the ABAWD had good cause for participating less than the scheduled hours due to the sickness, 5/00 would be coded with 'A' rather than with 'M'.

Code 'A' has been expanded to be used in situations (as described earlier) where an ABAWD is cooperating with the IMPACT Self Sufficiency Plan or has good cause but for some reason is not meeting the ABAWD work requirement by participating in 20 hours a week of countable activities or the scheduled CWEP hours. While good cause is sometimes not determined until the next month, prompt follow up with IMPACT noncompliance will help prevent the need for rescissions of disqualifications.

If an ABAWD is currently serving an IMPACT sanction, that must be cured first before the ABAWD may receive the 3 additional months of eligibility.

These exemptions will be given through the end of Federal Fiscal Year 2001 (September 30, 2001) or until the exemptions are exhausted, whichever occurs first.

**2515.10.00 COMPLIANCE WITH ABAWD (F)**

An individual is in compliance with ABAWD requirements when he/she:



Is working (including self-employment) at least an average of 20 hours per week; however, the work can be unpaid. Unpaid work should be verified the same as paid work. Work also includes in-kind work which is work in exchange for goods or services. The 20 hour average may be calculated by dividing the total number of hours worked in one month by 4; or

Is participating in and complying at least 20 hours per week on average with one of the following:

- Any program of the Job Training and Partnership Act (JTPA)
- Trade Adjustment Assistance Act Program
- IMPACT (other than Job Search or Job Search Training); or

Is working/participating and complying with one or more of the above in combination a total of 20 hours per week on average for the month. Hours worked must be verified.

Additionally, an ABAWD is considered compliant if participating in a CWEP activity (which can be less than 20 hours per week). The hours are determined by dividing the FS allotment for the AG by the federal minimum wage and rounding to the next full dollar.

The individual remains in compliance if he/she continues to meet the above provisions or becomes exempt from work registration/ABAWD requirements. If changes in work hours decrease below 20 hours per week (average monthly hours), the ABAWD must report the change. If the individual is doing less than 80 hours per month but has good cause, then the ABAWD is considered as being in compliance. Examples of this is when an ABAWD may miss work due to sickness or has good cause for missing an IMPACT activity.

If an individual is correctly projected to be in compliance on the first of the month, the compliance continues for the entire month even if there is a change in circumstances during the month.

Compliance may be projected for all ABAWDS whether or not they have used their months of ABAWD eligibility. The determining factor is if the ABAWD has a job or IMPACT activity lined up that will meet the ABAWD work requirement.

Any length certification may be assigned to an ABAWD as long as it doesn't exceed 12 months. However, if the ABAWD is not in compliance at the time of certification, it would be better to assign a 3 month certification period.

ABAWD's must be given timely notice of adverse action when non-compliance occurs for the fourth month during a 36-month period. If compliance is projected and the worker subsequently discovers the ABAWD was non-compliant, timely notice of adverse action still must be given. A claim would be established for any benefits issued beyond the allowable time period.

The worker receives an alert when a person begins his/her third month as a mandatory non-compliant, ABAWD.

#### **2515.15.00            REGAINING ELIGIBILITY FOR ABAWD (F)**

After an individual loses eligibility for failure to comply with ABAWD requirement for more than 3 months, he may regain ABAWD eligibility although he may not be eligible for Food Stamps. There is no limit on how many times an individual may regain eligibility and subsequently maintain eligibility by meeting the work requirement.

To regain eligibility, the individual must comply with one of the following:

Working (including self-employment) at least 80 hours in a 30 day period;

Participate and comply with JTPA, the Trade Adjustment Act (TAA) or IMPACT (other than Job Search) at least 80 hours in a 30 day period;

Works and in combination with IMPACT, JTPA or TAA attains 80 hours in a 30 day period.

Participate in an appropriate amount of CWEP hours as defined in 2515.10.00. The local office will need to develop an off-line procedure for the ABAWD to use this method to regain eligibility. Document the off-line determination on CLRC or CLSC.

If a person becomes exempt from work requirements or meets one of the ABAWD exemptions in 2515.05.00, he/she is exempt from ABAWD requirements. However, if the person later loses his exemption, he must still meet 1 of the 3 criteria above to be eligible for the 3 month extension (see Section 2515.15.05).

#### **2515.15.05      ABAWD 3 Month Extension (F)**

If an individual regains eligibility by meeting 1 of the 3 criteria in Manual Section 2515.15 and then loses his/her position, or hours are reduced to less than 20 hours per week, the individual is entitled to a 3 month extension.(f3) (If an individual meets an exemption, there is no need for the extension.)

**EXAMPLE:**

The client's Food Stamps are closed for ABAWD non-compliance effective January, 1998. The client obtains a job in July, 1998, works 80 hours in 30 days and then quits the job. The client reapplies for Food Stamps in January, 2000. Since the client complied with the 80 hours worked in a 30 day period, he is eligible for the 3 month extension. The worker would need to inquire about this possibility occurring during the interview and then verify the compliance that did occur 18 months earlier.

The 3 months will run consecutively once it has begun. All other eligibility criteria must be met in order to receive Food Stamps during the extension. If the individual cannot use the 3 month extension (i.e. client has a voluntary quit penalty that would override the 3 month extension of eligibility), then the extension will not be coded on AEABA (code "N" would then be used in this situation). However, once the extension does begin, it continues to run whether or not the client is eligible to receive it.

The extension is allowed only once in a 36 month period. If it has been used, the individual can only regain eligibility by complying with the requirements in Manual Section 2515.05.00 if the person is currently certified or 2515.15.00 if the person is an applicant.

An individual may avoid using the one time 3 consecutive month extension by withdrawing from the program before the

effective date of the extension. If the individual is a mandatory member of an AG, the entire AG must withdraw.

The worker receives an alert when the 3 month extension is ending. AEABC must then be run to disqualify the individual.

A recipient who fails to report a change in employment or work program will not receive the extension. When loss of employment/ reduction of hours is reported, the 3 month extension (coded with an "X" on AEABA) begins the next month following notification of the agency.

**2515.20.00          APPLICATION PROCESSING FOR DISQUALIFIED  
INDIVIDUALS ABAWD (F)**

If an AG contains one or more members who are ABAWD disqualified the application does not have to pend until the 30<sup>th</sup> day if compliance is projected for the ineligible members. If compliance cannot be projected and the remaining members are eligible (all other eligibility criteria has been met) the AG may:

Have the application pended until the 30th day to allow the disqualified members to regain ABAWD eligibility (by complying with ABAWD requirements); or

Have the application approved (include the ABAWD disqualified members income, resources and expenses) without the disqualified member(s).

If the worker cannot contact the AG, or the AG fails to make a choice, the AG is pended until the 30th day. Document the choice on CLRC.

For expedited applications, pend the application until the 7th day to allow the disqualified members an opportunity to regain ABAWD eligibility or until compliance can be projected whichever comes first. If by the 7th day the disqualified members have not complied and compliance cannot be projected, the application must be processed in order to comply with expedited processing timeframes.

Compliance may be projected so it is possible that compliance could occur after the expedited timeframes. Therefore, the ABAWD still could be determined eligible and awarded expedited services but not comply until later in the month when the 20 hours a week job or IMPACT activity would begin.

**EXAMPLE:**

A client was closed for ABAWD non-compliance 2 months ago and is applying for assistance today and just started working a job that is 20 hours a week. Compliance can be projected since the client is now meeting the ABAWD work requirement.

**EXAMPLE:**

A client was closed a year ago for ABAWD noncompliance and is applying for assistance today. The client states in the interview that he will begin working a job in 2 weeks that is 20 hours a week. The new job and hours worked are verified with the employer as usual. Compliance can be projected since the client will be meeting the ABAWD work requirement.

**2515.25.00 REDETERMINATIONS - ABAWD (F)**

If no changes were reported for the past certification period at the redetermination interview, it is not necessary to reverify the ABAWD status projected at the last certification.

The AG must have any timely filed redeterminations approved or denied by the last day of the certification period.

**2515.30.00 CHANGE PROCESSING - ABAWD (F)**

If a new member joins the AG, his status must be determined and verified before he is added to the AG.

If compliance is projected for the following month as the result of a reported change for a person who is currently certified, continue benefits based on that projection even though 3 or more months of benefits in the past 36 were received in a mandatory non-compliant status.

**EXAMPLE:**

Client is mandatory ABAWD and is in the 3rd month of non-compliance. The client would be ineligible for benefits starting the beginning of the 4th month but reports a job close to the end of the 3rd month that will bring him into compliance for the 4th month. Since the effective date of the disqualification hasn't occurred, compliance may be projected. Once the effective date of the disqualification arrives, compliance cannot be projected. Eligibility then must be regained according to Section 2515.15 because the individual is no longer a recipient.

If an individual is exempt from ABAWD because he is exempt from work registration, AEABA will not display.

ABAWD status can be changed for past months when new information is reported or discovered. If corrective action is needed for past months for an individual who is currently exempt, AEIWP must be temporarily changed to code 03 to allow update capability on AEABA. This action should be documented in CLRC.

When an ABAWD is added to an AG after cutoff and an auxiliary would be due for the next month, the ABAWD's eligibility needs to be fiated for that month. Otherwise, IQEL would not correctly display the eligibility status.

**EXAMPLE:**

An ABAWD is added to an AG on 8/28 which is past cutoff for 9/1. While the AG will be given an auxiliary for 9/1 due to adding the ABAWD, the ABAWD's eligibility will not display as participating until 10/1 unless the eligibility is fiated for 9/1.

**2599.00.00      FOOTNOTES FOR CHAPTER 2500**

Following are the footnotes for Chapter 2500:

- (f1) Section 6(o) of the Food Stamp Act of 1977 as amended by Section 824 of P.L. 104-193 (PRWORA).
- (f2) Section 6(o) of the Food Stamp Act of 1977 as amended by Section 824 of P.L. 104-193 (PRWORA).
- (f3) Section 6(o) of the Food Stamp Act of 1977 as amended by Section 824 of P.L. 104-193 (PRWORA).